HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9071 OF 2005.

Madhukar L. Patil & Ors. ..Petitioners.

Versus.

Shri. Rau @ Bhiva Krisna Davar & Others...Respondents.

Shri. M. R. Suryawanshi for the Petitioners.

CORAM: S.B.MHASE, J.

DATE : MARCH 16, 2006.

P.C.

1. Heard. Initial suit filed by the plaintiff - respondent is in rspect of Gat No. 9, Sub- Division- 7, admeasuring 54-R. He has averred in the said suit that in the said land he has excavated a well and he is using the said well water for the agricultural purposes and since it is obstructed he has filed the suit for permanent injunction. After the written statement, it appears that the petitioners have claimed share in the said water alleging that it is a spring. Therefore, by way of clarification, the plaintiff - respondent has sought an amendment in respect of the description column of the said property and has averred that since the land is belonging to him, the water source even though it is a spring belongs to him. This amendment has been allowed

by the Court below. As aginst that order the present writ petition is filed. Needless to say that the well or the alleged spring is located in the land of the plaintiff. Therefore, amendment in respect of the suit property is necessary for the proper adjudication of the suit and further to avoid the multiplicity of litigation. In my opinion, the amendment has been righly allowed. No interference is called for. In the result, writ petition is rejected.

(S.B.MHASE, J.)